

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

E.K. WADE,

No. C 06-04593 CRB

Plaintiff,

**ORDER**

v.

UNITED STATES,

Defendant.

Now pending before the Court are two motions: (1) Plaintiff's motion for summary judgment, and (2) Defendant's motion to postpone the hearing date and the briefing schedule on Plaintiff's motion for summary judgment.

The Court hereby GRANTS Defendant's motion. Because Plaintiff has indicated that he intends to file additional materials in support of his motion for summary judgment, and because the government must be given an opportunity to respond to such materials, the Court is not yet in a position to adjudicate Plaintiff's motion. Plaintiff is hereby ORDERED to file all materials in support of his motion for summary judgment not later than Wednesday, March 14, 2007. No further filings in support of Plaintiff's motion for summary judgment will be permitted beyond this date.

The parties, who are currently scheduled to appear before the Court on March 16, 2007, at 10:00 a.m., in connection with a motion to dismiss in a related case, Wade v. United

1 States, No. 06-2346, shall also appear before the Court on that date in connection with this  
2 case, No. 06-5493. At the hearing, the government shall be prepared to inform the Court  
3 whether it requires additional time in order to respond to the materials that Plaintiff may  
4 submit in support of his motion for summary judgment. Upon the submission of all of  
5 Plaintiff's materials and after considering the government's desire to make any further reply  
6 as it finds necessary, the Court will set forth a schedule either for additional briefing or shall  
7 take Plaintiff's motion for summary judgment under submission.

8 **IT IS SO ORDERED.**

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11 Dated: February 26, 2007



CHARLES R. BREYER  
UNITED STATES DISTRICT JUDGE